

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA) Docket No. A 17-MJ-305 ML
)
vs.) Austin, Texas
)
STEVEN THOMAS BOEHLE) April 17, 2017

TRANSCRIPT OF INITIAL APPEARANCE
BEFORE THE HONORABLE MARK P. LANE

APPEARANCES:

For the United States: (None.)

For the Defendant: (None.)

Transcriber: Ms. Lily Iva Reznik, CRR, RMR
501 West 5th Street, Suite 4153
Austin, Texas 78701
(512) 391-8792

Proceedings reported by electrical digital sound recording,
transcript produced by computer.

1 (Proceedings commence at 2:02 p.m.)

2 THE CLERK: The Court calls the following cases for
3 initial appearance: 17-M-305, United States vs. Steven Thomas
4 Boehle, 17-CR-055, United States vs. Defendant No. 1, Julio
5 Rodriguez, 17-CR-061, United States vs. Leonel Gonzalez-Castillo.

6 THE COURT: Good afternoon, gentlemen.

7 You're here for what we call an initial appearance.
8 It's the first time you're in a courtroom after you've been
9 arrested on a federal arrest warrant. I have an obligation to
10 discuss several important issues with you today. In doing that,
11 I'll be asking you questions and providing you with information.

12 If I say anything that you didn't understand, let me
13 know that, and I'll rephrase it for you, because I want to try to
14 -- or do my very best to ensure that you understand everything
15 that's happening today.

16 My first question is a three-part question. I'd like
17 to get your full name, your date of birth, and the amount of
18 schooling or education you've had to this point in your lifetime.
19 And we'll start over here with Mr. -- is it Boehle? Boehle.
20 Full name, sir.

21 DEFENDANT BOEHLE: Steven Thomas Boehle. Steven Thomas
22 Raymond Boehle --

23 THE COURT: Thank you --

24 DEFENDANT BOEHLE: -- Steven Thomas Ducrane Boehle.
25 I'm Iroquois of the Iroquois Nation, the Onondaga Nation,

1 constitutional common-law, I am a Native American and --

2 THE COURT: All right. That's super. What's your date
3 of birth?

4 DEFENDANT BOEHLE: 4-13-67.

5 THE COURT: And much schooling have you had, sir?

6 DEFENDANT BOEHLE: I graduated high school and I went
7 through three years of college and I graduated massage school.

8 THE COURT: Wonderful, thank you.

9 Sir.

10 DEFENDANT RODRIGUEZ: Julio Rodriguez, Jr., September
11 14, 1980, and I've got a GED.

12 THE COURT: Thank you, sir.

13 Sir?

14 DEFENDANT GONZALEZ: Leonel Gonzalez-Castillo, 7-29-80.

15 THE COURT: Schooling, sir?

16 DEFENDANT GONZALEZ: Eleventh grade.

17 THE COURT: Thank you, gentlemen.

18 The reason I was asking you about your schooling is, I
19 have an initial obligation to inquire as to your competency. So
20 I want to follow that up with, are you suffering today from any
21 mental or physical condition, or are you under the influence of
22 any drugs, alcohol, or medicine that interfere with your ability
23 to understand my questions and what you're doing here today?

24 DEFENDANT BOEHLE: I don't have any -- insufficiency.
25 I am epileptic and these lights all look severe. That's the

1 florescent lights have caused them, and I've had problems since I
2 was kept in jail since Wednesday.

3 THE COURT: Uh-huh.

4 DEFENDANT BOEHLE: Broke my glasses, they're right
5 here, injured this, broke my ribs. I'm passing blood because of
6 my seizures. I have had photosen scopus (phonetic) caused by
7 florescent lights, strobe lights, fatigue, and so forth. I'm
8 epileptic.

9 THE COURT: Okay. How are you doing right now?

10 DEFENDANT BOEHLE: I'm doing fine, sir.

11 THE COURT: Okay. If that changes, let me know.

12 DEFENDANT BOEHLE: Thank you.

13 THE COURT: All right. But thank you for answering my
14 question. I'm grateful.

15 Sir?

16 DEFENDANT RODRIGUEZ: No, sir.

17 THE COURT: Sir?

18 DEFENDANT GONZALEZ: No.

19 THE COURT: All right. Gentlemen, my next obligation
20 is to tell you about your right to remain silent. What this
21 means is, you don't have to answer any questions that a law
22 enforcement officer asks you about your case or your charges. If
23 you don't want to answer their questions, just tell them you
24 don't, and the questioning will stop. But anything that you do
25 say to an officer in response to their questions, those answers

1 can be used against you in proceedings related to these charges
2 that you face or in any other proceedings in which the statements
3 you make may be relevant.

4 So my question is, do you understand your right to
5 remain silent --

6 DEFENDANT BOEHLE: Yes.

7 THE COURT: -- as I've explained it?

8 DEFENDANT BOEHLE: Yes.

9 THE COURT: Yes?

10 DEFENDANT RODRIGUEZ: Yes, sir.

11 DEFENDANT GONZALEZ: Yes, sir.

12 THE COURT: Gentlemen, my next obligation is to tell
13 you why you're here, why you've been arrested, and why you have
14 been brought to this courtroom. Now, there's paperwork there in
15 front of you gentlemen. That's your paperwork and you're free to
16 take that with you when we're done talking today. But we are
17 early in this process. I am not going to be asking you if you
18 are guilty or not guilty of these charges.

19 Instead, the issue today is, do you understand what the
20 government is saying that you have done wrong? And taking
21 y'all's cases one at a time, we'll start over here with Mr.
22 Boehle.

23 Sir, you have been named in a criminal complaint. A
24 criminal complaint means that a federal law enforcement officer,
25 in this case, one with the Federal Bureau of Investigation,

1 prepared a document and then, took an oath to tell the truth that
2 all of the information in that document was true and correct to
3 the best of her knowledge and belief in that the officer alleged
4 that on April 12th, 2017, in Travis County and within the Western
5 District of Texas, that you violated at least two federal laws,
6 both related to the acquisition and possession of firearms. The
7 first is an accusation that you provided a false statement in
8 connection with the attempted acquisition of a firearm, and then,
9 secondly, that you are a prohibited person and it is unlawful for
10 you to possess a firearm.

11 The officer then prepared a five-page, single-spaced,
12 very detailed affidavit in which the officer has laid out the
13 evidence the officer believes supports her belief that you have
14 violated federal law. Again, reminding you that -- I'm not
15 asking you any of that is true, but do you understand what the
16 government is --

17 DEFENDANT BOEHLE: Yes. May I speak right here?

18 THE COURT: Pardon?

19 DEFENDANT BOEHLE: Can I say something about this right
20 here?

21 THE COURT: Of course you can.

22 DEFENDANT BOEHLE: All right. I received information
23 individual identified as Duke, the user of telephone number -- my
24 telephone was planning a -- conduct of mass shooting. No, no,
25 no, no, your Honor.

1 THE COURT: Okay.

2 DEFENDANT BOEHLE: My friend, Daniel Sleeper, can
3 probably show you on his e-mail my ex-common-law wife, who has
4 stolen, has caused seizures. I have epilep -- caused seizures,
5 which is manslaughter, attempted manslaughter.

6 THE COURT: Uh-huh.

7 DEFENDANT BOEHLE: And between her and her lover and
8 the things that she took and what they did to me, I never said
9 anything like that. I said I'm bringing you to court for
10 attempted manslaughter for causing my seizures. She goes, if you
11 do that, I'll call the FBI. A mass shooting? No, your Honor. I
12 never --

13 THE COURT: Can I interrupt you for a second?

14 DEFENDANT BOEHLE: Yes.

15 THE COURT: I appreciate what you're telling me and I
16 take you at your word. I mean, I don't know you, but I'm
17 assuming like I do with everybody --

18 DEFENDANT BOEHLE: Yes.

19 THE COURT: -- you're telling me the truth. But I've
20 gotta do two things: I gotta, first of all, remind you of that
21 right to remain silent.

22 DEFENDANT BOEHLE: Yes. I didn't do this.

23 THE COURT: Okay. And then, the second thing I was
24 going to tell you -- and this is the good news and we're going to
25 talk about this in a moment -- talk about your lawyer. And some

1 of what you're sharing with me is information you need to share
2 with your lawyer.

3 DEFENDANT BOEHLE: Yeah. Sir, I didn't do this. Like
4 I said, her name is probably -- her name is Lauren Elliot. She
5 said, if you follow up, I'm -- charges against her. She hurt me.
6 She purposely went out of her way to hurt me. I said we were in
7 a relationship, you know, terrible -- a good, you know, a kinda
8 -- and it ended out being this. I said, I'm bringing you to
9 court for attempted manslaughter for causing all these
10 seizures --

11 THE COURT: Okay. Can I interrupt you again? All of
12 what you're telling me, again, I'm going to take you at your word
13 that all of it's true but that's -- that's -- while that's
14 background music and it's important background music. You're
15 charged with possessing firearms.

16 DEFENDANT BOEHLE: But here, what brought them -- she
17 made the accusation a mass shooting. I never made the
18 accusation.

19 THE COURT: Okay.

20 DEFENDANT BOEHLE: She made the false statement. She
21 contacted Daniel Seegers: If Duke follows through on his charges
22 against me, if he -- I'm going to call the FBI. She fabricated
23 this, sir.

24 THE COURT: She very well might have. I don't know.
25 But let me tell you this: I want to talk to you more about that

1 when we talk about your lawyer, okay?

2 DEFENDANT BOEHLE: All right.

3 THE COURT: Turning now to Mr. Rodriguez. Mr.
4 Rodriguez -- well, let me talk to both Messrs. Rodriguez and Mr.
5 Gonzalez. Both of you gentlemen are named in indictments.
6 They're different indictments, but these indictments mean that
7 the federal grand jury has met and determined that there is
8 probable cause to believe that you have violated federal law in
9 some manner.

10 In your case, Mr. Rodriguez, it is that you possessed
11 narcotics with intent to distribute. You're charged in two
12 separate counts with having possessed heroin with intent to
13 distribute. The first, back in March -- March 31st of 2016, and
14 then, again, on July 20th, 2016. They're basically saying that
15 you and a fella named John Sanchez -- excuse me, that y'all
16 possessed this heroin with intent to distribute.

17 Do you understand what the government is saying you've
18 done wrong?

19 DEFENDANT RODRIGUEZ: Yes, sir.

20 THE COURT: In your case, Mr. Gonzalez, the grand jury
21 determined that there's probable cause to believe that you
22 illegally reentered the United States, after having previously
23 been deported or removed. They note that in the indictment that
24 you were removed back in September of 2011, and that you
25 apparently were found by an ICE agent on or about December 26,

1 2016, here in the Western District of Texas; and that you had
2 failed to obtain the necessary consent and authorization of the
3 appropriate officials with the United States government before
4 you came back.

5 Mr. Gonzalez, do you understand what the government is
6 saying that you have done wrong?

7 DEFENDANT GONZALEZ: Yes.

8 THE COURT: All right. All three of you men, I need to
9 tell you that you face serious charges here. You carry -- you
10 face charges that carry with it, upon a finding of guilt, the
11 very real possibility that you could be sentenced to federal
12 prison. For this reason, you're entitled to be represented by an
13 attorney from this point in the process forward. Furthermore,
14 you're entitled to hire any lawyer that you want. But if you
15 cannot afford a lawyer, the Court will appoint one for you.

16 So my question to each of you, in a moment, is going to
17 be: Understanding your right to an attorney, do you intend to
18 hire your own lawyer, or are you seeking court-appointed counsel?
19 Sir?

20 DEFENDANT BOEHLE: Court-appointed counsel.

21 THE COURT: Very good.

22 Sir?

23 DEFENDANT RODRIGUEZ: I'm going to hire one, sir.

24 THE COURT: Do you know who?

25 DEFENDANT RODRIGUEZ: Frank Ivy.

1 THE COURT: Now, does he know you're here?

2 DEFENDANT RODRIGUEZ: I don't know.

3 THE COURT: Okay. Well, very good. He's a good lawyer
4 and I hope you're able to seal that up.

5 Sir, do you intend to hire your own lawyer? Or are you
6 seeking court-appointed counsel?

7 DEFENDANT GONZALEZ: Court-appointed counsel.

8 THE COURT: Okay. Mr. -- is it Boehle?

9 DEFENDANT BOEHLE: Boehle.

10 THE COURT: Boehle. Okay. I'll get it right. I'm
11 sorry. Mr. Boehle, is all the information in the financial
12 affidavit that you probably prepared with a Pretrial Services
13 officer and signed here at the bottom, is all that information
14 accurate?

15 DEFENDANT BOEHLE: Yes.

16 THE COURT: Okay. Well, then, based upon your
17 representations and your request, I will appoint a lawyer for
18 you, Mr. Boehle.

19 DEFENDANT BOEHLE: Thank you.

20 THE COURT: Mr. Gonzalez, I will also appoint a lawyer
21 for you, again, at your request to represent you. I can tell
22 both of you men that the lawyer that I appoint to your case will
23 be a good lawyer.

24 DEFENDANT BOEHLE: Thank you.

25 THE COURT: And what I mean by good is that that lawyer

1 will be familiar with this courthouse, the judges that work in
2 the courthouse, the rules, the laws, the procedures that govern
3 the type of cases that you face, and the procedures by which
4 those cases move through the system. Those lawyers will give you
5 -- do their best work for you. They will provide you with good
6 advice. May not always be what you want to hear, but if you hear
7 them out and give them a chance, I think you'll find that the
8 lawyers are well-intentioned and will do their best for you.

9 Mr. Boehle, I take it you're a U.S. citizen?

10 DEFENDANT BOEHLE: Yes.

11 THE COURT: And, Mr. Rodriguez, you?

12 DEFENDANT RODRIGUEZ: Yes, sir.

13 THE COURT: Okay. Mr. Gonzalez, I need to tell you
14 that because of treaties between the United States of America and
15 other countries, individuals who are arrested here in the United
16 States who are citizens of other countries are entitled to have
17 the local consulate or representative of their home country
18 notified of their arrest here. It's a right that you have
19 because of these treaties.

20 My obligation is to tell you about this right, but it's
21 your decision as to whether or not you want American law
22 enforcement authorities to notify your consulate. So initially,
23 do you understand that you have this right?

24 DEFENDANT GONZALEZ: Yes. Yes, but I do not wish for
25 the consulate to be contacted.

1 THE COURT: Very good. And a lot of men don't. But
2 for some reason that changes, you can talk to the lawyer that I
3 appoint to your case and you can -- and we could see that that
4 takes place. But initially, I thank you for that, Mr. Gonzalez.

5 All right. I want to talk with each of you now about
6 your next court date and what it is and when it is.

7 Mr. Boehle, you're set for something we call a
8 preliminary hearing. A preliminary hearing simply means that you
9 have the right to come back to court, but you come back with your
10 lawyer. And you and your lawyer can -- will require the
11 prosecutors to produce evidence to support the information that's
12 in this criminal complaint that you and I have already talked
13 about a little bit. And you're entitled to this hearing, this
14 preliminary hearing, because your case has not yet been formally
15 presented to the grand jury, as has Messrs. Rodriguez and
16 Gonzalez's case. Because it's in that posture, you have the
17 right to this preliminary hearing. It's set on Thursday, April
18 20th at 9:30 in the morning.

19 Do you understand this?

20 DEFENDANT BOEHLE: Yes, sir.

21 THE COURT: Very good.

22 Mr. Rodriguez, and, Mr. Gonzalez, you men are set next
23 for something called an arraignment. An arraignment simply means
24 that you come back to court, but you come back with your lawyer,
25 and at that time, you enter a formal plea of guilty or not guilty

1 to the charge that you face. I can tell you with a great deal of
2 certainty that you'll undoubtedly enter a plea of not guilty, if
3 for no other reason than you need time to work with your lawyer
4 on your defense and learn more information about your case.

5 If you and your lawyer decide it's appropriate to do
6 so, you could enter that not guilty plea in writing, and it will
7 dismiss with your obligation to come back to court. But for now,
8 Mr. Rodriguez, you're set for an arraignment on Thursday, April
9 20th, 2:30 in the afternoon. And, Mr. Gonzalez, you're set for
10 an arraignment on Thursday, April 27th at 8:30 in the morning.

11 Do you understand this, gentlemen?

12 DEFENDANT RODRIGUEZ: Yes, sir.

13 DEFENDANT GONZALEZ: Yes.

14 THE COURT: Okay. My next obligation is to discuss
15 with you your status, that is, where are you going to be between
16 today's date and that next appearance in court. I regret to
17 inform all three of you that after you and I are done talking
18 today, you're going to be remanded into the custody of the United
19 States Marshal Service pending further proceedings in your case.

20 The reason for that is this: The government
21 prosecutors responsible for your case have filed or are in the
22 process of filing a written motion to detain you. They've
23 suggested in this written motion that they believe that you're
24 either a risk of flight, meaning they don't think you'll come to
25 court when you're supposed to, or that you're a danger to the

1 community or some person in the community.

2 Gentlemen, I don't know if any of that's true or not,
3 but the law provides that if the prosecutors file such a motion
4 in good faith, you're to be ordered temporarily detained until a
5 hearing can be held on that motion. That's a long way of telling
6 you, again, that you'll be detained at least and until the
7 previous court date that I told you about earlier, the 20th of
8 April for you, Mr. Boehle.

9 DEFENDANT BOEHLE: How could I speak to my attorney?

10 THE COURT: Hold on. I'll get to that. That's a good
11 question.

12 It's the 20th of April for you, Mr. Rodriguez, and it's
13 the 27th for you, Mr. Gonzalez. At that time, you're also set
14 for something called a detention hearing. Again, it gives you
15 the right to come back to court with your lawyer and require the
16 prosecutors to produce evidence to support their belief that you
17 should be detained pending further proceedings in your case. But
18 at least until then, you'll be detained.

19 To answer your question, Mr. Boehle, and I've neglected
20 to tell you this earlier, the lawyer I appoint to your case will
21 visit with you between today's date and that next appearance in
22 court. Wherever you're being held, they'll come out and they
23 will see you, talk with you about your case.

24 But, gentlemen, those are the issues I needed to talk
25 with you about today. Do y'all have any questions for me about

1 any of these issues or any questions about what's going to be
2 happening next in your case?

3 DEFENDANT BOEHLE: Yes, sir.

4 THE COURT: Sure.

5 DEFENDANT BOEHLE: As I stated, she made a false
6 statement. She preceded it by speaking to my friend: If Duke
7 follows through with the charge against me, I'm going to call the
8 FBI. This is a made-up -- I -- mass shooting. Never, never made
9 any of it up. Never. I was an FFL licensed dealer in
10 Connecticut, worked for Sly & Sugars. I know my firearms. I
11 know my constitutional common-law rights, and that this maritime
12 law with the gold fringe around the flag means nothing when we're
13 not at sea.

14 And this right here, I was convicted of a misdemeanor.
15 I walked up, my girlfriend and I, in New Haven, we're fighting,
16 she was sleeping with another guy. I found out about it, I said
17 get out. We're arguing, I said get out. It was vocal. I said
18 get out. She went to our neighbors. My neighbor, Butch, called
19 me up and said, Duke, come over here, let her back in. I said,
20 no way, man, she cheated on me. I said no way. So she called
21 the cops, I open the door, they took me out and arrested me.
22 Spent the night in jail, I went to court, they said it's a
23 misdemeanor, breach of peace, sign here and you're out. I paid
24 the fine and I was out. I'm a licensed -- I'm a big-time hunter.
25 I went and tried to purchase a gun up in Connecticut, and they

1 said no, you were in -- because of this new bill, which never
2 passed, so it's a code. So it's not a law, it is not a law, it
3 is a code. So I was --

4 THE COURT: Mr. Boehle, let me tell you something, I
5 don't have a lot of time for your nonsense.

6 DEFENDANT BOEHLE: It's a code --

7 THE COURT: You're going to come in court and you're
8 going to talk about flags, codes and laws, I'm not listening to
9 it, and furthermore, you lose credibility with me and other
10 judges. Whoa, whoa, whoa, I listened to you. You're going to
11 listen to me. You lose credibility with other judges and other
12 people when you talk nonsense like that.

13 Here's what I do know. You pled guilty to an offense
14 back in Connecticut. You were found guilty of it. It prohibited
15 you from owning firearms. Of taking the affidavit, again, to be
16 truthful, it will be tested at a preliminary hearing, but you
17 tried to purchase firearms on multiple occasions and were told
18 that you could not, but you did, anyways.

19 So save everything you're telling me because it might
20 be very helpful to your defense, but the person who's going to
21 champion your cause and your case, frankly, isn't me. It's going
22 to be --

23 DEFENDANT BOEHLE: It was never the law --

24 THE COURT: Marshal Greenwood, I'm done with him.

25 Mr. Rodriguez, do you have any questions, sir?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DEFENDANT RODRIGUEZ: No, sir.

THE COURT: Mr. Gonzalez, do you have any questions?

DEFENDANT GONZALEZ: No. It's fine.

THE COURT: All right. Gentlemen, good luck.

DEFENDANT BOEHLE: Maritime flag --

(Proceedings conclude at 2:20 p.m.)

REPORTER'S CERTIFICATE

I, LILY I. REZNIK, DO HEREBY CERTIFY THAT THE FOREGOING WAS
TRANSCRIBED FROM AN ELECTRONIC RECORDING MADE AT THE TIME OF THE
AFORESAID PROCEEDINGS AND IS A CORRECT TRANSCRIPT, TO THE BEST OF
MY ABILITY, MADE FROM THE PROCEEDINGS IN THE ABOVE-ENTITLED
MATTER, AND THAT THE TRANSCRIPT FEES AND FORMAT COMPLY WITH THOSE
PRESCRIBED BY THE COURT AND JUDICIAL CONFERENCE OF THE UNITED
STATES.

/s/Lily I. ReznikApril 24, 2017

LILY I. REZNIK

DATE